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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
**NOTICE OF SPECIAL BOARD MEETING**

**Friday, July 10, 2020 at 9:00 a.m.**

**Via Zoom and Teleconference**

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which removes the requirement that a meeting location be made available for the public to gather for purposes of observing and commenting at the meeting. The New Motor Vehicle Board Meeting will be conducted via Zoom and teleconference. Board members will participate in the meeting from individual remote locations.

Members of the public can attend the meeting remotely via one of several options listed below. Written comments, if any, can be submitted at [nmvb@nmvb.ca.gov](mailto:nmvb@nmvb.ca.gov) or during the meeting.

To request a reasonable modification or accommodation for individuals with disabilities at this or any future Board meeting or to request any modification or accommodation for individuals with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Eugene Ohta at (916) 445-1888 or [Eugene.Ohta@nmvb.ca.gov](mailto:Eugene.Ohta@nmvb.ca.gov).

**Join Zoom Meeting**

<https://us02web.zoom.us/j/86332620382>

Meeting ID: 863 3262 0382

One tap mobile

+16699009128,,86332620382# US (San Jose)

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**Dial by your location**

+1 669 900 9128 US (San Jose)

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+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 863 3262 0382

Find your local number: <https://us02web.zoom.us/u/kcDkZuNxcd>

Items of business scheduled for the meeting are listed on the attached agenda. Recesses may be taken at the discretion of the Chairperson and items may be taken out of order.

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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

**A G E N D A**  
**SPECIAL MEETING**

**Friday, July 10, 2020 at 9:00 a.m.**

**Via Zoom and Teleconference**

<https://us02web.zoom.us/j/86332620382>

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you are encouraged to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7) However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **9:00 a.m. Meeting called to order.**
2. **Roll Call.**
3. **9:05 - 11:05 a.m.**
  - a. **Oral Presentation before the Public Members of the Board.**

BARBER GROUP, INC., a California corporation doing business as BARBER HONDA v. AMERICAN HONDA MOTOR CO., INC., a California corporation; GALPINSFIELD AUTOMOTIVE, LLC, Intervenor  
Protest No. PR-2539-17

- b. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of

Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

**Consideration of Proposed Decision.**

BARBER GROUP, INC., a California corporation doing business as BARBER HONDA v. AMERICAN HONDA MOTOR CO., INC., a California corporation; GALPINSFIELD AUTOMOTIVE, LLC, Intervenor  
Protest No. PR-2539-17

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

c. **Open Session.**

4. **11:05 a.m. - 11:15 a.m. Break**

5. **11:15 a.m. - 12:00 p.m.**

a. **Oral Presentation before the Public Members of the Board.**

FAIRFIELD IMPORTS, LLC, a California Limited Liability Company v. TOYOTA MOTOR SALES, USA, INC., a California Corporation  
Protest Nos. PR-2579-18 and PR-2580-18

b. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

**Consideration of Proposed Order.**

FAIRFIELD IMPORTS, LLC, a California Limited Liability Company v. TOYOTA MOTOR SALES, USA, INC., a California Corporation  
Protest Nos. PR-2579-18 and PR-2580-18

Consideration of the Administrative Law Judge's Proposed Order Granting "Respondent Toyota Motor Sales, U.S.A., Inc.'s Motion to Dismiss Protests, by the Public Members.

**c. Open Session.**

5. **12:00 p.m. - 12:30 p.m. Lunch Break**

6. **12:30 p.m. - 2:30 p.m.**

**Presentation of the Department of Motor Vehicle's Report of Investigation by Investigator Gary Constantino regarding whether the Care by Volvo subscription program violates Vehicle Code sections 11713.3(o)(1), 3060(b), 11713.3(u) and/or 11713.19.**

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. VOLVO GROUP NORTH AMERICA LLC aka VOLVO CAR USA, LLC

Petition No. P-460-19

**Discussion of the Department of Motor Vehicle's Report of Investigation, by the Public Members of the Board.**

7. **Public Comment. (Gov. Code § 11125.7)**

8. **Adjournment.**

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